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28***E-FILED: January 24, 2012***

NOT FOR CITATION
 IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

RAJ KUMARI SHARMA and KARTARI LAL
 SHARMA,

No. C10-04548 HRL

Plaintiffs,

v.

WACHOVIA BANK; DOES 1-10, inclusive,

Defendants.

**ORDER (1) GRANTING PLAINTIFFS’
 COUNSEL’S MOTION TO WITHDRAW;
 (2) DENYING AS MOOT PLAINTIFFS’
 “MOTION TO CHANGE ATTORNEY”;
 AND (3) GRANTING IN PART
 PLAINTIFFS’ “MOTION TO AMEND
 COMPLAINT AND PERSONALLY
 APPEAR IN COURT”**

[Re: Docket Nos. 62, 65, 66]

Plaintiffs Raj Kumari Sharma and Kartari Lal Sharma sue for damages allegedly arising out of the refinancing of their home mortgage and the subsequent non-judicial foreclosure sale of the subject property.¹ The parties have engaged in several rounds of motions practice over the sufficiency of plaintiffs’ pleadings. Most recently, this court granted defendant Wachovia’s Fed. R. Civ. P. 12(b)(6) motion to dismiss plaintiffs’ Second Amended Complaint and gave plaintiffs until January 3, 2012 to file a Third Amended Complaint.

Now before the court is attorney Ali Nehme’s motion for permission to withdraw as plaintiffs’ counsel of record. Plaintiffs themselves have appeared on a pro se basis and separately filed a “Motion to Change Attorney,” as well as a motion requesting an extension of

¹ All parties have expressly consented that all proceedings in this matter may be heard and finally adjudicated by the undersigned. 28 U.S.C. § 636(c); FED. R. CIV. P. 73.

1 time to file their amended complaint. The court has received no opposition to any of these
2 motions, and the time for submitting any opposition or response has passed. The motions are
3 deemed suitable for determination without oral argument. The January 31, 2012 hearing
4 therefore is vacated. Civ. L.R. 7-1(b). Having considered the moving papers, the court rules as
5 follows:

6 “Counsel may not withdraw from an action until relieved by order of Court after written
7 notice has been given reasonably in advance to the client and to all other parties who have
8 appeared in the case.” Civ. L.R. 11-5(a). “In the Northern District of California, the conduct of
9 counsel is governed by the standards of professional conduct required of members of the State
10 Bar of California, including the Rules of Professional Conduct of the State Bar of California.”
11 Hill Design Group v. Wang, No. C04-521 JF (RS), 2006 WL 3591206 at *4 (N.D. Cal., Dec.
12 11, 2006) (citing Elan Transdermal Limited v. Cygnus Therapeutic Systems, 809 F. Supp. 1383,
13 1387 (N.D. Cal.1992)). Those standards provide that an attorney may seek permission to
14 withdraw if, among other things, the client’s conduct renders it unreasonably difficult for the
15 attorney to represent the client effectively. Id. (citing Cal. Rules of Professional Conduct Rule
16 3-700(C)(1)(d), (f)). Citing “irreconcilable differences over the management of the litigation,”
17 Nehme says that his withdrawal is necessary. Plaintiffs evidently agree. Nehme’s motion is
18 granted.

19 Nehme’s motion for permission to withdraw having been granted, plaintiffs’ separate
20 “Motion to Change Attorney” is denied as moot. In any event, plaintiffs need not obtain the
21 court’s preapproval if they wish to discharge Nehme as their counsel of record.

22 Plaintiffs also request an extension of time to file their Third Amended Complaint while
23 they look for a new lawyer. This matter has been pending for over a year; and, plaintiffs have
24 already had several opportunities to amend their pleadings to correct identified deficiencies.
25 The court therefore is disinclined to give plaintiffs an open-ended extension of time to file their
26 Third Amended Complaint while they attempt to find new counsel. They will be given until
27 **February 29, 2012** to file their amended complaint. The Sharmas are further advised that the
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1 court does not believe it would be fair or fruitful to unduly delay these proceedings while they
2 attempt to find other representation, which conceivably could take a substantial amount of time.

3 Meanwhile, plaintiffs are encouraged to obtain a copy of the Pro Se Handbook and other
4 resources that may be available for self-represented parties at
5 <http://cand.uscourts.gov/proselitigants>. They may also wish to contact the Federal Legal
6 Assistance Self-Help Center (FLASH), located on the 4th Floor of the Federal Courthouse in
7 San Jose. Appointments with FLASH may be made by signing up at the Center or by calling
8 408-297-1480.

9 SO ORDERED.

10 Dated: January 24, 2012

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13 HOWARD R. LLOYD
14 UNITED STATES MAGISTRATE JUDGE
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1 5:10-cv-04548-HRL Notice has been electronically mailed to:

2 Ali Nehme nehme29@sbcglobal.net

3 Elizabeth Christine Hehir chehir@afrcf.com, afrctecf@afrcf.com, cdaniel@afrcf.com,
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4 Frederick James Hickman fhickman@afrcf.com, AFRCTECF@afrcf.com,
5 dpandy@afrcf.com, jashley@afrcf.com

6 Counsel are responsible for distributing copies of this document to co-counsel who have not
7 registered for e-filing under the court's CM/ECF program.

8 5:10-cv-04548-HRL Notice sent by U.S. Mail to:

9 Kartari Lal Sharma
10 240 Pamela Avenue, Apt. 4
San Jose, CA 95116

11 Raj Kumari Sharma
12 240 Pamela Avenue, Apt. 4
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